

THE TRAINING AND CERTIFICATION OF ALBERTA'S SKILLED WORK FORCE

SUPPLEMENT TO THE DISCUSSION PAPER

(Concerning possible processes and criteria for
designations, redesignations, exemptions,
and the transition phase under the
proposed Industry Training Act)

Alberta
CAREER DEVELOPMENT
AND EMPLOYMENT

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INTRODUCTION

In June 1990, a Discussion Paper entitled "The Training and Certification of Alberta's Skilled Work Force" was released for public consideration and comment on proposed legislation governing apprenticeship and occupational training. This paper is a supplement to the Discussion Paper. It describes in further detail the proposed transition phase contained in the proposed legislation. For discussion purposes, it also sets out possible criteria and describes possible processes for the designation or redesignation of trades and occupations and for the making of exemptions under the proposed legislation. The proposed legislation will be reviewed and revised in response to the comments received on the Discussion Paper and this supplement. If and when new legislation is approved, the finalized criteria and processes likely would be contained in regulation.

DESIGNATION AND REDESIGNATION OF TRADES AND OCCUPATIONS

The reasons for designating or redesignating trades and occupations under training and certification legislation are:

- * to promote the development of a skilled work force by encouraging and facilitating industry training; and, where necessary,
- * to enhance public safety or protection of property, or both, through the requirement for compulsory training and certification.

The proposed legislation contained in the first Discussion Paper would establish three permanent categories of designation of trades and occupations through which the development of a skilled work force and the enhancement of public safety and protection of property could be achieved.

The major difference between the proposed designated trades, on the one hand, and designated occupations on the other is the amount of regulation governing the provision of training and the performance of work in the trades and occupations designated in each category. Appendix "A" outlines this difference.

DESIGNATED TRADES

Compulsory Certification Trades

The purpose of this category of designation is to enhance public safety or protection of property, or both, through the requirement for compulsory training and certification.

1. Work in this category of designated trades would be restricted to persons holding an Alberta trade certificate or an out-of-province certificate with an interprovincial endorsement (Red Seal), or to persons fulfilling such specific requirements as registration in an apprenticeship or other approved training or work experience program. Penalties and processes to deal with violations would be specified.
2. Participation in an apprenticeship training program, where provided, would be compulsory. Where an apprenticeship program was not provided, participation in an approved training or work experience program would be compulsory.
3. Only persons who had successfully completed the apprenticeship program, where provided, or an approved training or work experience program, or met the requirements set by the proposed new Alberta Industry Training and Certification Board ("Board") would be granted an Alberta trade certificate.
4. Exclusive right to practice in a trade as well as exclusive right to use the trade title could be restricted by regulation to those holding the appropriate Alberta trade certificate or out-of-province certificate with a Red Seal.

Optional Certification Trades

The purpose of this category of designation is to provide for the establishment of formal apprenticeship or equivalent training and certification programs in an occupation to meet the skill requirements of both industry (employers and workers) and the general public. Public recognition of the qualifications established through certification in an optional certification trade would facilitate work force mobility.

1. Certification would not be required to work in trades designated under this category.
2. Participation in an apprenticeship program, where provided, would be wholly voluntary. Participation in any approved training or work experience program also would be voluntary.
3. Only persons who had successfully completed the apprenticeship program, or an approved training or work experience program, or met the requirements set by the "Board" (for example, the "Board" could require a trade-approved examination) would be granted an Alberta trade certificate.
4. Exclusive right to use the trade title could be restricted by regulation to those holding the appropriate Alberta trade certificate or out-of-province certificate with a Red Seal.

DESIGNATED OCCUPATIONS

The purpose of this category of designation is the promotion of industry training by providing for the establishment of flexible training and certification programs. A wide variety of industry needs, including those of industries in sectors of the economy experiencing expansion and growth, or of occupations where the demand for particular job-related skills exceeds the supply, could be accommodated through broad enabling criteria.

1. A person would not be required to hold an occupational certificate to work in the occupation.
2. Although the designation of an occupation under this category would result in the establishment of a certification program, generally with some form of training involved, participation in the program would be wholly voluntary.

FIVE YEAR TRANSITION PHASE

Under the proposed legislation included in the Discussion Paper, every trade designated under the Manpower Development Act would be considered to have been designated under the proposed legislation. Previous designations no longer would exist.

1. The trades of *plasterer, projectionist, and tool and die-maker*, currently designated as voluntary certification ("qualification") trades with no apprenticeship programs, would be considered to have been designated under the proposed legislation as *optional certification trades*. Although subject to consideration by the "Board", it is anticipated that the training or requirements currently provided or recognized for certification would continue to be recognized. Accordingly, no transition phase would be provided for these trades.
2. The trade of *elevator constructor*, currently designated as a compulsory certification ("proficiency") trade with no apprenticeship program, would be considered to have been designated under the proposed legislation as a *compulsory certification trade*. It is assumed that the training currently provided would be recognized by the "Board" as a work experience program under the proposed legislation. Accordingly, no transition phase would be provided for this trade.
3. All of the other trades, both "qualification" and "proficiency", currently designated for apprenticeship training would be considered to have been designated under a transition category of designation called *compulsory apprenticeship trades*.

Compulsory Apprenticeship Trades

The purpose of this category of designation is to permit a gradual phasing in of the designations under the proposed legislation with minimal disruption to those trades which have existing apprenticeship

training programs. During the transition phase the existing system of apprenticeship training and certification would continue with respect to these trades. There would be no new designations in this transition category.

1. Some stakeholders may prefer a continuation of the existing trade designations. However, a change is required for the following reasons:
 - a) The existing system has been found to contain practices which are inconsistent with legislative requirements.
 - b) Specifically, although participation in an apprenticeship program is compulsory, non-apprenticeship work experience acquired in contravention of the legislation has been, and continues to be, recognized for certification purposes in conjunction with passing a trade-approved examination. This practice is occurring in both "qualification" and "proficiency" trades.
 - c) Designation as a compulsory apprenticeship trade would legitimize the continuation of this practice throughout the transition phase during which the needs of the trades could be assessed.
2. By allowing the existing practices and system of training and certification to continue during the transition phase, all stakeholders in each trade would have the opportunity to participate in the process of redesignation.
 - a) Depending on its needs, a compulsory apprenticeship trade could be designated as a compulsory certification trade, an optional certification trade or a designated occupation. It also could cease to be designated.

- b) Subject to consideration by the "Board", it is assumed that all existing "proficiency" trades would be readily redesignated as compulsory certification trades.
 - c) Each redesignation would involve the making of a regulation prescribing a specific program of transition to the new category. This regulation also would rescind or cancel the designation of the trade as a compulsory apprenticeship trade.
- 3. Appendix "B" contains a chart indicating the transition phase, by trade, for each trade currently designated under the Manpower Development Act.
 - 4. Any compulsory apprenticeship trade not redesignated during the five year transition phase would cease to exist as a designated trade.
 - 5. At the end of the transition phase, the category of compulsory apprenticeship trade would cease to exist. Thereafter, the only designations that would be possible would be under the categories of compulsory certification trades, optional certification trades, and designated occupations.

POSSIBLE PROCESS AND CRITERIA FOR THE DESIGNATION AND REDESIGNATION OF TRADES AND OCCUPATIONS

Possible Process

The following process is put forward for discussion purposes only. It is intended to demonstrate how a process could work under the proposed legislation. Additional or alternate suggestions are welcomed.

1. The designation or redesignation of a trade or occupation under the proposed legislation could be initiated by an individual or group of individuals on submission of a written request to the Minister. Designation or redesignation also could be initiated by the Minister.
2. On receipt of a request, the Minister would assign an official of Alberta Career Development and Employment to conduct a preliminary assessment of the requested designation or redesignation and to assist the applicant in providing the required information.
3. The following information would be required to accompany each request for designation or redesignation:
 - a) the reason for seeking the designation or redesignation and the anticipated benefit to the employer, workers, the industry, and the Alberta economy;
 - b) a description of the technical knowledge required to perform the tasks and skills encompassed in the trade or occupation;
 - c) an indication of the type of training best suited for developing the required skills (eg. classroom, on-the-job, or combination), and an estimate of the time required to develop the skills;
 - d) an estimate of the number of new apprentices or trainees who would enter the trade or occupation annually and an estimation of the potential attrition rate prior to completion of training;

- e) where the request is for designation or redesignation as a *compulsory certification trade*,
 - i) an indication of the level of support in industry for the requested designation or redesignation, and
 - ii) an indication of the effect of the designation or redesignation on public safety and protection of property.
4. On receipt of a request for designation or redesignation as a *designated trade*, the Minister would:
- a) consult with other government departments and agencies on the potential impact of such designation or redesignation; and, at the same time
 - b) refer the request to the "Board" for its assessment, based on criteria contained in regulation, and for its recommendation.
5. Further to 4., above, if the request was for designation or redesignation as a *compulsory certification trade*, the "Board" would:
- a) advertise that a request for designation as a compulsory certification trade had been submitted;
 - b) advertise and hold public hearings to ensure that the general public and other interested parties had an opportunity to comment;
 - c) establish a provisional trade committee to represent the interests of persons engaged in the trade or occupation; and
 - d) make provision for:
 - i) a survey of employers and workers in the trade or occupation; and
 - ii) an analysis of the trade or occupation to assess the extent to which the work performed in the trade or occupation affects public safety and protection of property.

6. The Minister, having ensured that other potentially impacted government departments and agencies had been appropriately consulted and involved, would make a recommendation to the Lieutenant Governor in Council regarding the designation or redesignation as a compulsory or optional certificate trade. Decisions would be made by the Lieutenant Governor in Council based on the recommendations of the "Board" and the Minister.
7. On receipt of a request for designation or redesignation as a *designated occupation*, the Minister could
 - a) designate an occupation on the basis of an assessment and recommendation by Alberta Career Development and Employment, and advise the "Board" accordingly, or
 - b) designate or redesignate a trade or occupation as a *designated occupation* on the basis of an assessment and recommendation by the "Board".
8. Further to 7., above, prior to designating an occupation the Minister would consult with other government departments and agencies on the potential impact of such designation or redesignation.
9. The applicants and all concerned parties would be notified in writing regarding decisions of the Minister and Lieutenant Governor in Council.

Possible Criteria for Designating or Redesignating a Trade or Occupation as a Compulsory Certification Trade

It is suggested, for discussion purposes, that the following criteria be applied to a request for designation of a trade or occupation as a *compulsory certification trade*. Additional or alternate suggestions are welcomed.

1. Public safety or protection of property, or both, would be enhanced as a result of the designation or redesignation.
2. The skill development needs of Alberta employers, workers and the Alberta economy would best be met through the establishment of a formal apprenticeship or equivalent training and certification program.
3. The nature of the work performed in the trade or occupation requires a combination of theoretical knowledge and practical skills which could be effectively and efficiently developed through a combination of on-the-job and technical training.
4. The trade or occupation under consideration for designation or redesignation should be clearly identified and commonly recognized within the industry.
5. Trades or occupations requiring a minimum of one year of apprenticeship training to develop the necessary skills would receive priority.
6. The following factors also would be considered:
 - a) the probability and anticipated severity of any damage likely to be sustained by users of the services or products provided by unqualified persons in the trade or occupation;
 - b) the degree of independence and responsibility of workers in that trade or occupation;

- c) the anticipated economic impact of restricting work in a trade or occupation;
- d) the anticipated impact on the public, employers and workers of designation for compulsory training and certification;
- e) the knowledge required to perform the tasks in the trade or occupation and the difficulty involved in acquiring that knowledge without formal training;
- f) how apparent potential danger is to users of the services or products provided by persons in the trade or occupation;
- g) the perceptions of those engaged in the trade or occupation as to the effect of compulsory training and certification on the public safety and protection of property;
- h) the perceptions of users of the services or products of the trade or occupation as to the effect of compulsory training and certification on public safety and protection of property;
- i) the availability of persons knowledgeable about, or engaged in, the trade or occupation willing to represent industry in an advisory capacity;
- j) the degree of overlap with previously designated trades, particularly those designated for compulsory certification; and
- k) the cost/benefit ratio to Alberta of designating or redesignating trades or occupations.

Possible Criteria for Designating or Redesignating a Trade or Occupation as an Optional Certification Trade

It is suggested, for discussion purposes, that the following criteria be applied to a request for designation or redesignation of a trade or occupation as an *optional certification trade*. Additional or alternate suggestions are welcomed.

1. The skill development needs of Alberta employers, workers and the Alberta economy would best be met through the establishment of a formal apprenticeship or equivalent training and certification program.
2. The nature of the work performed in the trade or occupation would require a combination of theoretical knowledge and practical skills which could be effectively and efficiently developed through a combination of on-the-job and technical training.
3. The trade or occupation under consideration for designation or redesignation as an optional certification trade should be clearly identified and commonly recognized within the industry.
4. Trades or occupations requiring a minimum of one year of apprenticeship training to develop the necessary skills would receive priority.
5. The following factors also would be considered:
 - a) the availability of suitable persons knowledgeable about or engaged in, the trade or occupation willing to represent industry in an advisory capacity;
 - b) the degree of overlap with previously designated trades, particularly those designated for compulsory certification;
and
 - c) the cost/benefit ratio to Alberta of designating or redesignating trades or occupations.

Possible Criteria for Designating or Redesignating a Trade or Occupation as a Designated Occupation

It is suggested, for discussion purposes, that the following criteria would be applied to a request for designation or redesignation of a trade or occupation as a *designated occupation*. Additional or alternate suggestions are welcomed.

1. The skill development needs of the employer and workers would best be met through designation as a designated occupation.
2. Occupational training and certification programs with the broadest industry application and offering workers the most marketable skills would receive priority.
3. Programs for the development of skills requiring a minimum of three months training would receive priority.
4. The following factors also would be considered:
 - a) the degree of overlap or duplication with the training provided in existing training programs under the proposed legislation, particularly in compulsory certification trades; and
 - b) the cost/benefit ratio to Alberta of designating or redesignating trades or occupations.

POSSIBLE PROCESS AND CRITERIA RESPECTING EXEMPTIONS

It is not anticipated that there would be a need for exemptions in optional certification trades or designated occupations due to the non-compulsory nature of these trades or occupations. Exemptions might be required in the compulsory certification trades and in the transition category of compulsory apprenticeship trades so that employers would be able to organize their work force according to their needs, provided public safety and protection of property could be maintained; the "Board" might also give consideration to exemptions on the basis of the long-term economic benefits to the Province.

Possible Process

The following process is put forward for discussion purposes only. It is intended to demonstrate how a process could work under the proposed legislation. Additional or alternate suggestions are welcomed.

1. A person or class of persons would submit a written request for exemption to the "Board".
2. The "Board" would forward the request to the appropriate Provincial Trade Committee for assessment and recommendation.
3. The decision of the "Board" would be based on the recommendation of the Provincial Trade Committee and any other factors the "Board" deemed appropriate.
4. The "Board" would advise the Minister of its decision.
5. If the Minister did not indicate an intention to vary the "Board's" decision within a set period of time, the "Board" would advise the applicant of its decision in writing.

6. If the Minister should indicate an intention to vary the "Board's" decision, the "Board" would advise the applicant accordingly.
7. The proposed legislation would provide an applicant with the right of an appeal from the decision respecting exemptions.

Possible Criteria

It is suggested for discussion purposes, that the following criteria be applied to a request for an exemption. Additional or alternate suggestions are welcomed.

1. An exemption should not compromise public safety or the protection of property.
2. An exemption should have industry-wide application.
3. Only job-related tasks or activities would be considered for exemption, not individuals.
4. The applicant should function within a limited scope of the designated trade from which the exemption was being sought.
5. A broad knowledge of the designated trade would not be required of individuals in order to perform the specific tasks under consideration for exemption.
6. If performance of the exempted tasks requires some training, a training plan meeting standards established by the applicable Provincial Trade Committee must be implemented.
7. The tasks to be exempted would be the only trade-related tasks performed under the exemption.

Appendix "A"

The following is a comparison of designated trades and designated occupations under the proposed legislation.

Designated Trades

- (1) Regulated.
- (2) Apprenticeship programs may be provided. Those programs would require:
 - (a) contract between apprentice and employer governing the relationship between the apprentice and the apprentice's employer with respect to the apprenticeship program;
 - (b) apprentice would receive combination of classroom instruction and on-the-job training; and
 - (c) the work performed by an apprentice would require supervision by or on behalf of the employer. Regulations would stipulate the ratio of apprentices to those holding trade certificates.
- (3) The right to work in compulsory certification trades would be restricted to those holding a trade certificate or meeting other requirements (such as being an apprentice or a trainee in an approved program). Where apprenticeship training was provided in these compulsory certification trades, participation in apprenticeship would be compulsory.

Designated Occupations

- (1) Less regulated/non-regulated, more flexible.
- (2) No apprenticeship programs would be provided. Therefore:
 - (a) no requirement for mandatory contract governing relationship between trainee and trainee's employer with respect to work experience or training program;
 - (b) training could be informal; work experience might or might not be included; and
 - (c) no requirement for supervision.
- (3) No compulsory provisions.

(4) The establishment of local and provincial trade committees would be required to develop provincial standards and to support the apprentice or trainee.

(5) Trade certificates would be issued to those successfully completing the apprenticeship, training or work experience program leading to certification.

(4) Local and provincial committees could, but need not, be established.

(5) Occupational certificates would be issued to those successfully completing the work experience or training program leading to certification.

Appendix "B"
PROPOSED TRANSITION PHASE
Trade Designations

Current Designations

Proposed designation

"Qualification" trade, no apprenticeship

Plasterer _____	(no transition) _____	) optional
Projectionist _____	(no transition) _____	) certification trade
Tool and Die Maker _____	(no transition) _____	)

"Proficiency" trade, no apprenticeship

Elevator Constructor _____	(no transition) _____	) compulsory
		) certification trade

"Qualification" trades with	Proposed	Transition Phase
apprenticeship	5 years	

Agricultural Mechanic _____	)	Future designation of each trade to be deter- mined in accordance with criteria established by regulation.
Appliance Serviceman _____	)	
Baker _____	)	
Boilermaker _____	)	
Bricklayer _____	)	
Cabinetmaker _____	)	
Carpenter _____	)	
Cement Finisher _____	)	
Communication Electrician _____	)	
Cook _____	)	
Electrical Rewind Mechanic _____	)	compulsory certification trade
Floorcovering Mechanic _____	)	
Glassworker _____	)	
Instrument Mechanic _____	)	
Insulator _____	)	
Ironworker _____	)	
Landscape Gardener _____	)	
Lather-Interior Systems Mechanic _____	)	
Locksmith _____	)	
Machinist _____	)	
Millwright _____	)	optional certification trade
Painter and Decorator _____	)	
Partsman _____	)	OR
Power Lineman _____	)	
Power System Electrician _____	)	designated occupation
Printing and Graphic Arts Craftsman _____	)	
Roofer _____	)	
Sawfiler _____	)	
Sprinkler Systems Installer _____	)	
Steel Fabricator _____	)	
Tilesetter _____	)	
Transport Refrigeration Mechanic _____	)	
Water Well Driller _____	)	

"Proficiency" trades
with apprenticeship

Proposed Transition Phase
5 years

Auto Body Mechanic _____)
 Barber _____)
 Beautician _____)
 Crane and Hoisting _____)
 Equipment Operator _____)
 Electrician _____)
 Electronic Technician _____)
 Gasfitter _____)
 Heavy Duty Mechanic _____)
 Motor Mechanic _____)
 Motorcycle Mechanic _____)
 Plumber _____)
 Recreation Vehicle _____)
 Mechanic _____)
 Refrigeration and Air _____)
 Conditioning Mechanic _____)
 Sheet Metal Worker _____)
 Steamfitter-Pipefitter _____)
 Welder _____)

----- compulsory
 apprenticeship -----
 trades

) Future designation of
 each trade to be deter-
 mined in accordance with
 criteria established by
 regulation.

) compulsory
 certification trade

) OR

) optional
 certification trade

) OR

) designated
 occupation